

D. C. 110A Rev. Civil Docket Continuation

JURY DEMAND DATE:

CLASS ACTION

Ⓢ

DATE

PARTIES

PROCEEDINGS

ATTORNEYS

Date Order or
Judgment Noted

JUNIOR CHAMBER OF COMMERCE OF ROCHESTER, INC., Rochester, New York;
JANIS GAINES, individually, and on behalf of all other persons similarly situated, Rochester, New York;
JANE SELMAN, individually, and on behalf of all other persons similarly situated, Rochester, New York;
CHARLES WETMORE, individually, and on behalf of all other persons similarly situated, Rochester, New York;
JAMES T. BRUEN, individually, and on behalf of all other persons similarly situated, Rochester, New York;
DAVID HEALIGMAN, individually, and on behalf of all other persons similarly situated, Rochester, New York;
THOMAS BANASZENSKI, individually, and on behalf of all other persons similarly situated, Rochester, New York;
JUNIOR CHAMBER OF COMMERCE OF PHILADELPHIA, PA., Philadelphia, Pa.;
JAYCEE FOUNDATION, INC., Philadelphia, Pa.;
BEVERLY LYNN BENSON, Individually and on behalf of all other persons similarly situated, Philadelphia, Pa.;
MARGARET M. HIPPLE, individually and on behalf of all other persons similarly situated, Philadelphia, Pa.;
ROBERTA M. SCHNEIDER, individually, and on behalf of all other persons similarly situated, Lansdown, Pa.;
NEW ORLEANS JUNIOR CHAMBER OF COMMERCE, INC., New Orleans, La.;
RICHARD ESTEVES, individually, and on behalf of all other persons similarly situated, New Orleans, La.;
JOANN CLEVINGER, individually, and on behalf of all other persons similarly situated, New Orleans, La.;
SYDNEE SCHWARTZ, individually, and on behalf of all other persons similarly situated, Washington, D. C.;
JOAN H. SLYNE, individually, and on behalf of all other persons similarly situated, Orrington, Maine,

Plaintiffs

VS

1. THE UNITED STATES JAYCEES, Tulsa, Oklahoma;
2. THE NEW YORK STATE JAYCEES, Canastota, New York;
3. THE UNITED STATES JAYCEES FOUNDATION, Tulsa, Oklahoma;

(over)

Emmelyn Logan-Baldwin (716 442-4150)
 19 Arnold Park, Rochester, N.Y.

14607

Ruth Bader GinsburgMelvin L. WulfBrenda Feigin FasteauA.C.L.U. Foundation

22 East 40th St., N.Y., N.Y. 10016

Eve CaryNew York Civil Liberties Union

84 Fifth Avenue

New York, New York 10011

Margaret J. GatesMarilyn SloanCenter for Women Policy StudiesNational Press Bldg., Room 803

529 14th Street

Washington, D. C.

Maynard I. Ungerman 584-6101Wright Building

Tulsa, Okla. 74103

Judith Cohn(last 10 pltfs.)

12th Floor, Packard Bldg.

Philadelphia, Pa. 19104

Debra A. Milleson (special counsel
 to New Orleans Jaycees)

1800 G Street N.W.

Washington, D. C. 20506

Josephine L. Citrin (special
 counsel to Joan H. Slyne)

18 Cobbert Road

Portland, Maine 04102

Robert J. Corber (Defts 1 thru 5)

1250 Connecticut Ave., N.W.

Washington, D. C. 20036

Theodore C. Mitchell (1 thru 5)

912 Fidelity Building

Baltimore, Maryland 21201

SHEET NO. 1, PAGE NO. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
4.	THE JAYCEE MENTAL HEALTH AND MENTAL RETARDATION FUND, Tulsa, Oklahoma;	✓ Robert J. Schutrum, Jr. (Deft. 2) 43 Court, Buffalo, N.Y. 14202
5.	THE JAYCEE WAR MEMORIAL FUND, Tulsa, Oklahoma	✓ Robert Tips, Theodore Gibson (1 thru 5) 324 Main Mall Building Tulsa, Okla. 74103 587-0074
6.	PENNSYLVANIA STATE JAYCEES, Lancaster, Pennsylvania;	✓ Steptoe & Johnson (1 thru 5) 1250 Connecticut Ave., N.W. Washington, D. C. 20036
7.	LOUISIANA JUNIOR CHAMBER OF COMMERCE, INC., Baton Rouge, Louisiana;	✓ Schmidt, Heaney, Howlett & Van't Hof 7th Floor, Union Bank Plaza (1 thru 5) Grand Rapids, Michigan 49502
8.	DOWNTOWN CHAPTER OF THE DISTRICT OF COLUMBIA JAYCEES, Washington, D.C.	✓ Harold H. Titus, Jr. (11 thru 17) Arnold T. Aikens
9.	MAIN STATE JAYCEES, Yarmouth, Maine;	✓ J. Michael McGarry, III 3429 U. S. Courthouse Washington, D. C.
10.	JR. CHAMBER OF COMMERCE OF ORRINGTON, INC., Orrington, Maine;	✓ Nathan G. Graham (11 thru 17) 460 U. S. Courthouse Tulsa, Oklahoma 74103
11.	GEORGE P. SHULTZ, as Secretary of the Treasury of the United States;	✓ John J. McCarthy (11 thru 17) Richard F. Mitchell
12.	DON ALEXANDER, as Commissioner of Internal Revenue;	Department of Justice, Tax Division Washington, D. C. 20530
13.	THE INTERNAL REVENUE SERVICE OF THE DEPARTMENT OF THE TREASURY OF THE UNITED STATES;	
14.	HOWARD PHILLIPS, Acting Director of the Office of Economic Opportunity;	
15.	JAMES LYNN, as Secretary of the Department of Housing and Urban Development;	
16.	PETER J. BRENNAN, as Secretary of the Department of Labor;	
17.	WILLIAM D. RUCKELSHAUS, as Administrator of the Environmental Protection Agency	

CIVIL DOCKET
UNITED STATES DISTRICT COURT

~~BARROW~~ BOHANON~~Jury demand date~~

D. C. Form No. 106A Rev.

SHEET NO. 2, PAGE NO. 3

(Class Action)

TITLE OF CASE

ATTORNEYS

JUNIOR CHAMBER OF COMMERCE OF
ROCHESTER, INC., ET AL

VS

THE UNITED STATES JAYCEES, ET AL

For plaintiff:

SEE SHEET NO. 1

For defendant:

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 4-1-73	Clerk	6-27-73	Ungerma	5 00	
		6-28-73	C.D.No.56		5 00
J.S. 6 mailed 7-1-73	Marshal				
Basis of Action: Violation of 5th & 14th Amendments	Docket fee				
	Witness fees				
Action arose at: Transferred from Dist. of Columbia	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-2-73	Transcript of proceedings from District of Columbia, filed. hm (Request for 3-Judge Court pending; answers from all defts. due 4-9-73)	
4-9-73	<u>Answer and Counterclaim</u> of United States Jaycees, New York State Jaycees, United States Jaycees Foundation, the Jaycee Mental Health and Mental Retardation Fund, and Jaycee War Memorial Fund, filed. g	
4-12-73	Motion to Dismiss of Geo. P. Shultz, Sec. of Treas., and the other six fed. defts in this action, WITH ATTACHED Opposition to Pltfs' Appl. for Convening of a 3-Judge Court; Memorandum of Points & Authorities in Support of the Defts' Motion to Dismiss, etc., filed. r <i>Copies to Judge</i>	
4-20-73	Order filed, to transfer this case to Judge Barrow, due to disqualif. of J. Daugherty, filed. (FD-J)r (Copies mailed to all counsel & to Judge Barrow)	
5-1-73	Joint appl. for extension of time within which to file responsive pldg.s to answer and counterclaim of the U.S. Jaycees, New York State Jaycees, U.S. Jaycees Foundation, and the Jaycee War Memorial Fund, filed. v <i>order to Judge</i>	
5-2-73	Case transferred to Judge Bohanon. (AEB-J)rm	
5-2-73	Ordered by the Court that Plaintiffs shall be granted until 5-12-73, in which to file responsive pleadings to answer & counterclaim of U.S. Jaycees, New York State Jaycees, U.S. Jaycees Foundation, & the Jaycee War Memorial Fund. (LB-J)v -letters mailed. <i>filed</i>	
5-7-73	Order, filed, that <u>Pltfs</u> shall have 10 days <u>to/brief</u> in reply to Govt.'s Brief on Mot. to Dismiss & brief in support of their causes of action. Further ordered that <u>Deft.s</u> , U.S. Jaycees, et al, shall have 10 days to <u>file brief</u> in support of its Mot. to Dismiss for failure to state a claim where relief may be granted. <u>Pre-trial conferences are Waived</u> . Further ordered that this cause is set <u>for Evidentiary Hearing</u> at 9:30 A.M., June 13, 1973. (LB-J)v -copies mailed. <i>By AIR MAIL.</i> (as set out)	
5-11-73	Answer of Pltfs to Counterclaim of Defts, for Infringement of Trademarks and Unfair Competition, filed. v	
5-14-73	Pltf's Notice of Motion, filed. r	
5-14-73	Pltfs Motion to Dismiss and Motion for S/J, filed. r (Also attached is Affidavit in support of Mtn to Dismiss of David Heiligman.	
5-14-73	Memorandum Brief in support of Pltfs' Mtn to Dismiss and/or Mtn for S/J, filed. r	
5-14-73	Private defs. memo in support of mo/dismiss, filed. rm	
5-17-73	Brief of pltf. in reply to govt's brief on mo/dismiss, etc., filed. rm	
5-17-73	Aff. of pltfs. in opposition to govt mo/dismiss; affidavit of pltfs in support of causes of action stated in complaint filed. rm	
5-21-73	Order, filed, transferring cause of action to Judge Bohanon. (AEB-J)v	
5-29-73	First interrogatories propounded by plaintiffs, filed. hm	
5-29-73	Pltfs' notice to produce, filed. hm	
5-29-73	Pltfs' requests for admission, filed. hm	

(Continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-29-73	Pltfs' notice of motion, filed. hm	
5-29-73	Pltfs' motion to shorten time for responses to interrogatories, requests for admission and notice to produce, filed. hm	
5-29-73	Pltfs' memorandum in support of motion to shorten time for responses to interrogatories, requests for admission and notice to produce, filed. hm	
5-30-73	Memorandum of Jaycee Defts. in Opposition to Plts' Motion to Dismiss and/or Mtn. for Summary Judgment, filed. jj <i>mailed</i>	
5-31-73	Order, filed, that defts have until 6-7-73 to answer pltfs' first interrogatories & request for admissions & to produce said documents requested in Ungerman offices. (LB-J)hm (copies mailed)	
6-8-73	Response to Pltf.s' Notice to Produce, filed. v	
6-8-73	Answer to Pltf.s' Request for Admissions, filed. v	
6-8-73	Answer to Pltf.s' First Interrogatories, filed. v <i>corrected answer to be in 6-12-73</i>	
6-11-73	Pltfs' Notice of Mtn. for TRO, filed. jj	
6-11-73	Pltfs' Mtn. for TRO, filed. jj	
6-11-73	Pltfs' Brief in Support of Mtn. for TRO, filed. jj	
6-11-73	Pltfs' Notice of Mtn. to Add Persons & Organizations as named Pltfs & Members of Class & to Serve Summonses on Additional Defts.; Mtn. to Add Persons & Organizations as Named Pltfs. and Members of Class & to Serve Summonses on Additional Defts.; and, Emmelyn Logan-Baldwin's Affidavit in Support of Mtn to Add Persons, filed. jj	
6-11-73	Notice of Mtn. for Pre. Injunction; Mtn. for Preliminary Injunction; w/ Affidavits in Support of Mtn. for Pre. Inj., filed. jj	
6-11-73	Pltfs' Brief in Support of Mtn. for Pre. Inj., filed. jj	
6-12-73	Answer to Pltfs' Request for Admissions, filed. r	
6-12-73	Answer to Pltfs' First Interrogatories, filed r	
6-13-73	Evidentiary hearing held. Parties present and announce ready. Seven attorneys admitted for purpose of this trial only: Emmelyn Logan-Baldwin, Judith Cohn, Ronald Cooper, John Livingston, Theodore C. Mitchell, Brian Heaney and Richard F. Mitchell. Court denies pltf's motion to add persons and organizations as named pltfs. and filing of amended complaint. Motion for TRO also denied. Pltf's witnesses sworn and testify: James T. Bruen. Tax records to be furnished by defts. to pltf. within 7 days. (9:50 a.m.) Court recessed until 11:00 a.m.	
11:17A.M.	Court in session. Counsel for Phila. Jaycees renews motion to intervene, and by agreement of defts., Court allows Phila. Jaycees, et al to intervene, and that part of case shall be labeled Phila. case. Court enters a TRO for 10 days and it shall remain in effect, by agreement of parties, until Court has had time to rule on motions to dismiss. Deft. Jaycees objects to admittance of pltf's ex. 23, requests withdrawal of same, and Court takes under advisement. Govt. counsel objects to admittance of all of pltf's exhibits from #22 on. Arguments made on 7 federal	

(over)

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	defts' motion to dismiss. Five other private defts. join in and adopt federal defts' motion to dismiss. Defts. Jaycees memorandum filed in open court. Court takes ruling under advisement and if desired, parties may file suggested findings within 10 days. (12:45 p.m.) Court recessed. (Lloyd Christesson-CSR)	
5:10	p.m. Conference held in chambers. Pltf. counsel allowed to withdraw certain exhibits and substitute copies. All exhibits offered by pltf. are for the purpose only of the motion to dismiss and are not received to be used as trial exhibits. The National Jaycee defts., having filed a brief in support of motion to dismiss, are granted leave to file motion to dismiss without a further brief. Permission is granted for pltf. to file amended complaint and all pleadings in answer to the amended complaint & the Phila. case are stayed until further order of Court. (LB-J)hm	
6-13-73	Private defts' post-hearing statement, filed in open court. hm	
6-13-73	Amended complaint, three judge court requested, filed. hm	
6-13-73	Exhibits, filed. hm <i>to Judge Bo</i>	
6-14-73	Return on U.S. Marshals Service, Subpoena, filed. Served Mr. Ray Roper, in Tulsa, OK, on 6-12-73, with fee of \$2.72. v	
6-22-73	Supplemental memorandum of the federal defendants, filed. hm <i>mailed to USCA</i>	
6-25-73	Plaintiffs' supplemental memorandum, filed. hm	
6-26-73	Order of dismissal, filed and entered, that case is not a proper one for three-judge court consideration; that motion of 7 govt. defts. to dismiss is sustained; that motion to dismiss of remaining defts. is sustained; that intervening complainants have failed to state a claim against defts. & intervenin g complaints are dismissed; and that pltfs' action and intervenors' actions against defts. are dismissed. (LB-J)hm (copies mailed all counsel)	
6-28-73	Notice of appeal by pltfs., filed. rm (copies to USCA & defs. counsel)	
6-28-73	Bond for costs on appeal, filed. rm (\$250 cash bond)	
7-13-73	Transcript of proceedings 6-13-73, filed. hm	
7-18-73	Designation of Record by pltfs., filed. rm	
7-19-73	Hearing held on admissibility of pltf's exhibits 6 and 23, The Court having taken the ruling under advisement. Exhibit 6 is admitted into evidence over the objection of the defendant and Court takes ruling on exhibit 23 under advisement and will enter an order. (LB-J)hm	
7-20-73	Ordered by the Court that the defts' objection to pltfs' exhibit #23 is sustained on the ground that it is truly a work paper of counsel and client and confidential, though it will remain with the file in this case. (LB-J)hm (letter written)	
7-23-73	Appeal record (in 6 volumes) transmitted to USCA. rm	
8-1-73	Amended notice of appeal, filed. hm (copies to counsel & USCA)	
8-1-73	Supplemental record on appeal (1 Vol.) transmitted to USCA. rm	
5-10-74	Mandate & Opinion of USCA, 10th Circuit, affirming judgment of 6-26-73, filed and spread of record. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-10-74	USCA Bill of Costs, filed. Costs taxed in favor of Federal Appellees in amt. of \$49.30. g	
6-12-74	Vols. I - V and Suppl. Vol. I, rec'd from USCA. g	
6-13-74	Vol. VI (2 boxes of exhibits) rec'd from USCA. g	
7-22-74	Petition for W/Certiorari filed in Supreme Ct. & given No. 73-2038.g	
12-2-74	W/Certiorari denied by Supreme Court. g	
3-24-76	Stipulation of Discontinuance, filed.jj	

DATE	PROCEEDINGS	Date Order or Judgment Note